

**Assenza, Adam**

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**From:** Morgan, Shannon R CIV SPK <Shannon.R.Morgan@usace.army.mil>  
**Sent:** Monday, December 18, 2023 2:27 PM  
**To:** glennda.luhnow@jacobs.com  
**Cc:** Tabachnick, Alan; Assenza, Adam  
**Subject:** FW: UPRR PIRATE 11/21/23 Consulting Party Meeting Minutes

**Follow Up Flag:** Follow up  
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Dear Ms. Luhnow,

My apologies I didn't provide this to you by the 15<sup>th</sup> and I am hoping they are still useful. Please see the email correspondence below from our archeologist regarding your specific questions. If you have any questions or would like to discuss, please let me know.

Thank you,

Shannon Morgan  
 Senior Regulatory Project Manager  
 US Army Corps of Engineers, Sacramento District, Nevada Section  
 300 Booth Street  
 Reno, Nevada 89509-1328  
 916-326-9130  
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**From:** Hess, Erin E CIV USARMY CESPK (USA) <Erin.E.Hess@usace.army.mil>  
**Sent:** Monday, December 4, 2023 12:18 PM  
**To:** Morgan, Shannon R CIV SPK <Shannon.R.Morgan@usace.army.mil>; Heffner, Sarah C CIV (USA) <Sarah.C.Heffner@usace.army.mil>  
**Cc:** Haley, Nancy A CIV USARMY CESPK (USA) <Nancy.A.Haley@usace.army.mil>  
**Subject:** RE: UPRR PIRATE 11/21/23 Consulting Party Meeting Minutes

Hi Shannon,

We had a very similar situation a few years back, so I've seen this situation almost exactly. Based on my initial review with the information provided, here are my recommendations:

- Regarding the spoils pile in the wye, do you have a recommended sampling strategy for screening? Is mechanical screening an acceptable method or does screening need to be completed by hand? Would you like to participate in the screening process?

Any spoils pile that may contain any artifacts or disturbed human remains should be screened by archaeologists entirely by hand. The Tribe's point about potential human remains and other significant cultural material is well taken, and priority should be given to recovery of any and ALL remains. Sampling has the potential to miss remains. Mechanical

screening is very situational, and any cremated remains that may have any semblance of being intact would be lost. Yes, it takes a long time and is expensive to screen by hand, but there are a lot of unknowns that mechanical screening may not be able to address. (If there was not likely to be human remains present, then mechanical may be appropriate to assist recovery.) Paid tribal monitor(s) should be absolutely present during screening, if the Tribe desires. The monitors can speak to proper handling methods and assist in identification of items that are culturally significant to the tribe. (We have previously required this under very similar circumstances for another railroad project.)

Note, human remains detection dogs have been used in California extensively now and are quite effective if site conditions are favorable. Yes, they can detect cremated human remains (used in both archaeological context and in wildfire recovery). They are considered non-invasive for in situ burial detection. However, because the dogs may touch the remains or lick them (for scent detection), the use of dogs is NOT considered non-invasive for any human remains that may be exposed at the surface. I would pose this to the tribal representatives for a decision-some tribes are okay with dogs potentially touching remains, others (the majority) are not.

- Do you have recommendations for non-invasive procedures for evaluating the potential of remaining soils to yield cultural materials?

It is hard for me to say without knowing a few more site specific details of the sites/features likely to be encountered. Various techniques could be used depending on what is expected to be identified. GPR, magnetometry, and resistivity are common, paired with ground-truthing results. Geoarchaeological trenching with tribal monitors present seems more appropriate and is a common practice here if buried archaeological sites may be encountered.

- Do you have any other feedback on the Proposed Framework for Comprehensive Archaeological Site Damage Assessment under Section 106 of the National Historic Preservation Act, distributed on November 14, 2023?

I don't think I have a copy to review, but I got the general idea from the attachments provided.

The tribe's point is well taken that site damage assessments are normally written to address damage to a site's archaeological values, but rarely address tribal cultural values. Understanding the value and impact to the tribal community is an important component of damage assessments, as the loss to the tribal community needs to be mitigated, not just the loss of the archaeological data. Strictly speaking under Criterion D, the information potential is not just relevant to archaeologists, but also to descendant communities. However, from the meeting notes, it appears the sites should have been evaluated under Criterion A as well for their value to the tribal community. We often capture them under Criterion A as part of the pattern of occupation of the region; they can also be evaluated as to whether they constitute a TCP or part of a TCL with tribal input (Section 101 of the NHPA).

I'll note that this only goes as far as discussing damage assessment, but would need a little more info on the artifact/remains recovery, curation/repatriation, and reporting. In my previous cases, in addition to a standard damage assessment and recovery, additional mitigation was required because of the impact to the tribal community. It is not just the loss of the archaeological data that needs to be considered and mitigated.

Let me know if you have any questions,

Erin E. Hess  
Cultural Resources Specialist  
National Historic Preservation Act Compliance  
Regulatory Division, Sacramento District  
U.S. Army Corps of Engineers  
1325 J Street, Room 1350  
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**From:** Morgan, Shannon R CIV SPK <[Shannon.R.Morgan@usace.army.mil](mailto:Shannon.R.Morgan@usace.army.mil)>  
**Sent:** Monday, December 4, 2023 11:21 AM  
**To:** Hess, Erin E CIV USARMY CESPCK (USA) <[Erin.E.Hess@usace.army.mil](mailto:Erin.E.Hess@usace.army.mil)>; Heffner, Sarah C CIV (USA) <[Sarah.C.Heffner@usace.army.mil](mailto:Sarah.C.Heffner@usace.army.mil)>  
**Cc:** Haley, Nancy A CIV USARMY CESPCK (USA) <[Nancy.A.Haley@usace.army.mil](mailto:Nancy.A.Haley@usace.army.mil)>  
**Subject:** FW: UPRR PIRATE 11/21/23 Consulting Party Meeting Minutes

Good Morning,

I've inherited a project in Maricopy County, AZ, where an MOA was almost complete when site damages were discovered.

"On July 28, 2023, OEA learned that there had been significant ground disturbance and damage to archaeological

Docket No. FD 36501, Union Pacific Railroad Company 2 resources in the APE, including within the proposed right-of-way.

Such activities should not have taken place because the environmental and historic review for this project is still ongoing, and the Board has yet to issue a decision authorizing construction and operation of the proposed rail line."

There are ongoing meetings and information gathering that the Surface Transportation Board is undergoing to determine the best course for resolution. The Corps is not the lead regarding Section 106 and tribal consultation, that is the STB's role; however, they are requesting the Corps' input as applicable. Please see the yellow highlighted information requested below and let me know if you would like to provide any review/input or meet to discuss.

Thank you,

Shannon Morgan  
Senior Regulatory Project Manager  
US Army Corps of Engineers, Sacramento District, Nevada Section  
300 Booth Street  
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**From:** Luhnnow, Glennda <[Glennda.Luhnnow@jacobs.com](mailto:Glennda.Luhnnow@jacobs.com)>  
**Sent:** Friday, December 1, 2023 2:51 PM  
**To:** Morgan, Shannon R CIV SPK <[Shannon.R.Morgan@usace.army.mil](mailto:Shannon.R.Morgan@usace.army.mil)>  
**Cc:** Regulatory, SPL AZ <[splregulatoryaz@usace.army.mil](mailto:splregulatoryaz@usace.army.mil)>; Tabachnick, Alan <[alan.tabachnick@stb.gov](mailto:alan.tabachnick@stb.gov)>; Assenza, Adam <[adam.assenza@stb.gov](mailto:adam.assenza@stb.gov)>; Buckley, Maggie <[Maggie.Buckley@jacobs.com](mailto:Maggie.Buckley@jacobs.com)>; Phoebus, Elizabeth (Betsi) <[Betsi.Phoebus@jacobs.com](mailto:Betsi.Phoebus@jacobs.com)>; Powell, Kris <[Kris.Powell@jacobs.com](mailto:Kris.Powell@jacobs.com)>; McNeish, Sabra <[Sabra.McNeish@jacobs.com](mailto:Sabra.McNeish@jacobs.com)>  
**Subject:** [Non-DoD Source] UPRR PIRATE 11/21/23 Consulting Party Meeting Minutes

Dear Ms. Morgan,

As the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) stated in previous Section 106 consultation conducted under the National Historic Preservation Act, on June 30, 2022, the Union Pacific Railroad Company (UP) filed a petition with the Board requesting authority to construct and operate approximately six miles of

new rail line in Maricopa County, Arizona (the proposed Pecos Industrial Rail Access and Train Extension [PIRATE] rail line).

OEA recently notified you about unauthorized excavation in UP's right-of-way that resulted in substantial damage to cultural resources sites and invited you to attend a virtual Teams meeting on November 21, 2023. OEA wishes to thank those of you that attended the virtual meeting last week, which provided invaluable input on the framework for the damage assessment work plan.

On behalf of OEA, Jacobs Engineering Group Inc. has compiled the attendance log, meeting minutes, and PowerPoint presentation for distribution to the consulting parties, attached. As a follow-up to the discussion that occurred during the meeting, OEA requests input from the consulting parties on the following questions by **December 15, 2023**:

- Regarding the spoils pile in the wye, do you have a recommended sampling strategy for screening? Is mechanical screening an acceptable method or does screening need to be completed by hand? Would you like to participate in the screening process?
- Do you have recommendations for non-invasive procedures for evaluating the potential of remaining soils to yield cultural materials?
- Do you have any other feedback on the *Proposed Framework for Comprehensive Archaeological Site Damage Assessment under Section 106 of the National Historic Preservation Act*, distributed on November 14, 2023?

Please send your responses to me and/or Alan Tabachnick, STB's Federal Preservation Officer, at [Alan.Tabachnick@stb.gov](mailto:Alan.Tabachnick@stb.gov), or let us know if you would like to request a meeting to discuss the questions.

Sincerely,  
Glennnda Luhnnow

**Glennnda Luhnnow, M.A., RPA | JACOBS | Manager/Archaeology and Cultural Resources |**  
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